

Public Notice

U.S. Army Corps of Engineers, Norfolk District

August 25, 2005

CENAO-TS-REG
05-v1765-50
05-v1766-50

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Dwight Ambach & Richard Pogue
Post Office Box 26
Susan, Virginia 23163

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located at private residential shorelines on Horn Harbor, a tributary to the Chesapeake Bay, at Aldendale Lane, Mathews County, Virginia.

PROPOSED WORK AND PURPOSE: The applicants propose to construct a 385' rip rap revetment on the channelward side of an existing, failing bulkhead. The base of the proposed revetment is to be approximately 4.5 feet wide and is expected to adversely impact approximately 1,732 square feet of intertidal, emergent, wetland vegetation. The shoreline does not demonstrate erosion. The proposed rip rap revetment is expected to support the failing bulkhead.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Mathews County Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites

for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Horn Harbor contains Essential Fish Habitat (EFH) for the eggs, larvae, juvenile, and adult life stages of ten species including Windowpane and Summer Flounder, Bluefish, Atlantic Butterfish, Black Sea Bass, King and Spanish Mackerel, Cobia, Red Drum, and the Dusky and Sandbar Shark. The habitat which this project would affect consists of approximately 1,700 square feet of intertidal, emergent wetland vegetation. The proposed project is described in Proposed Work and Purpose, above. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

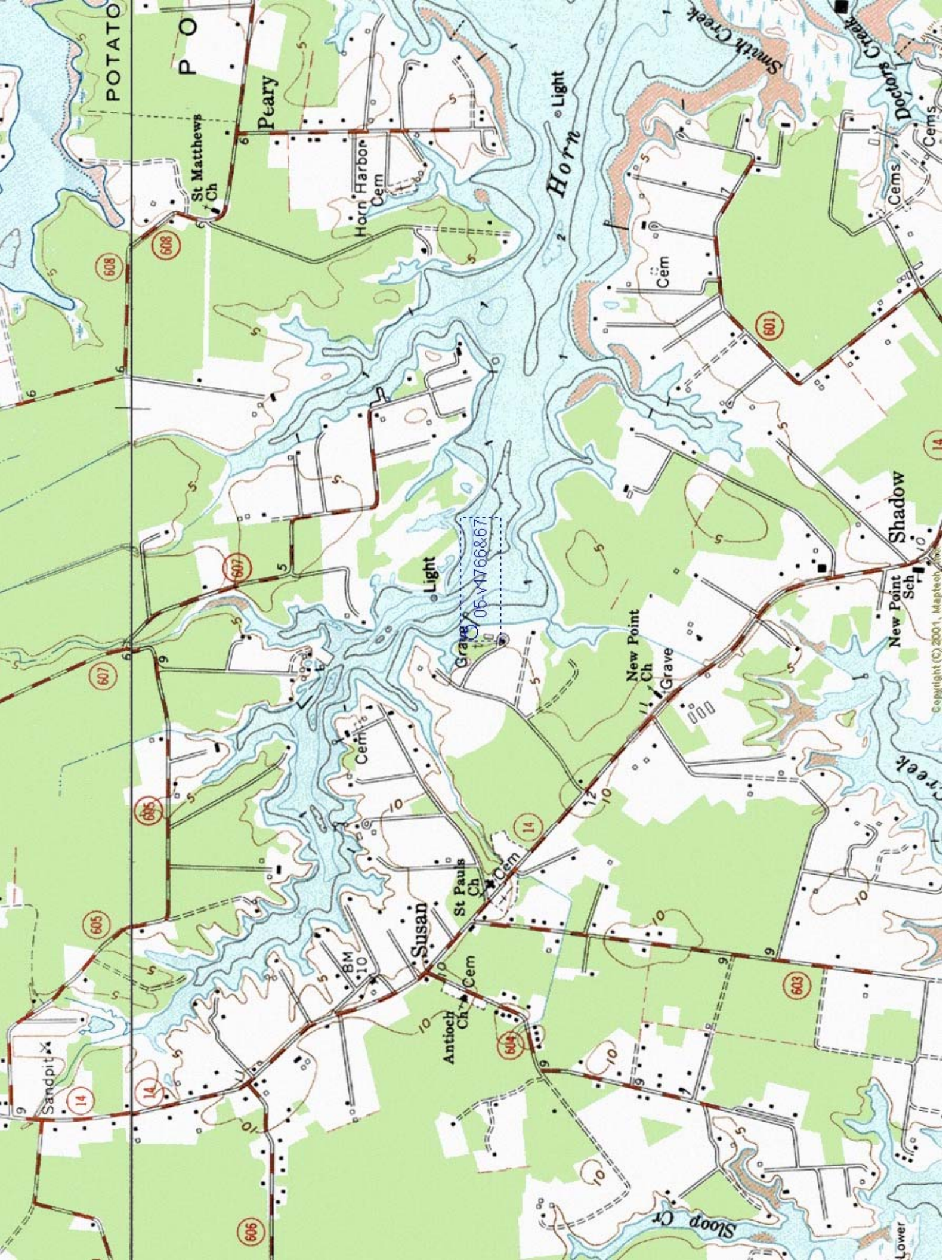
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), P.O. Box 1428 White Stone, Virginia 22578, and should be received by the close of business on September 25, 2005.

If you have any questions about this project or the permit process, please call Mr. Adrian R. Jennings at (804) 435-9362

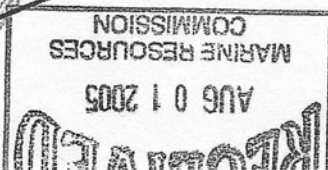
FOR THE DISTRICT ENGINEER:

Bruce F. Williams
Chief, Northern Virginia
Regulatory Section

Attachment: Drawings



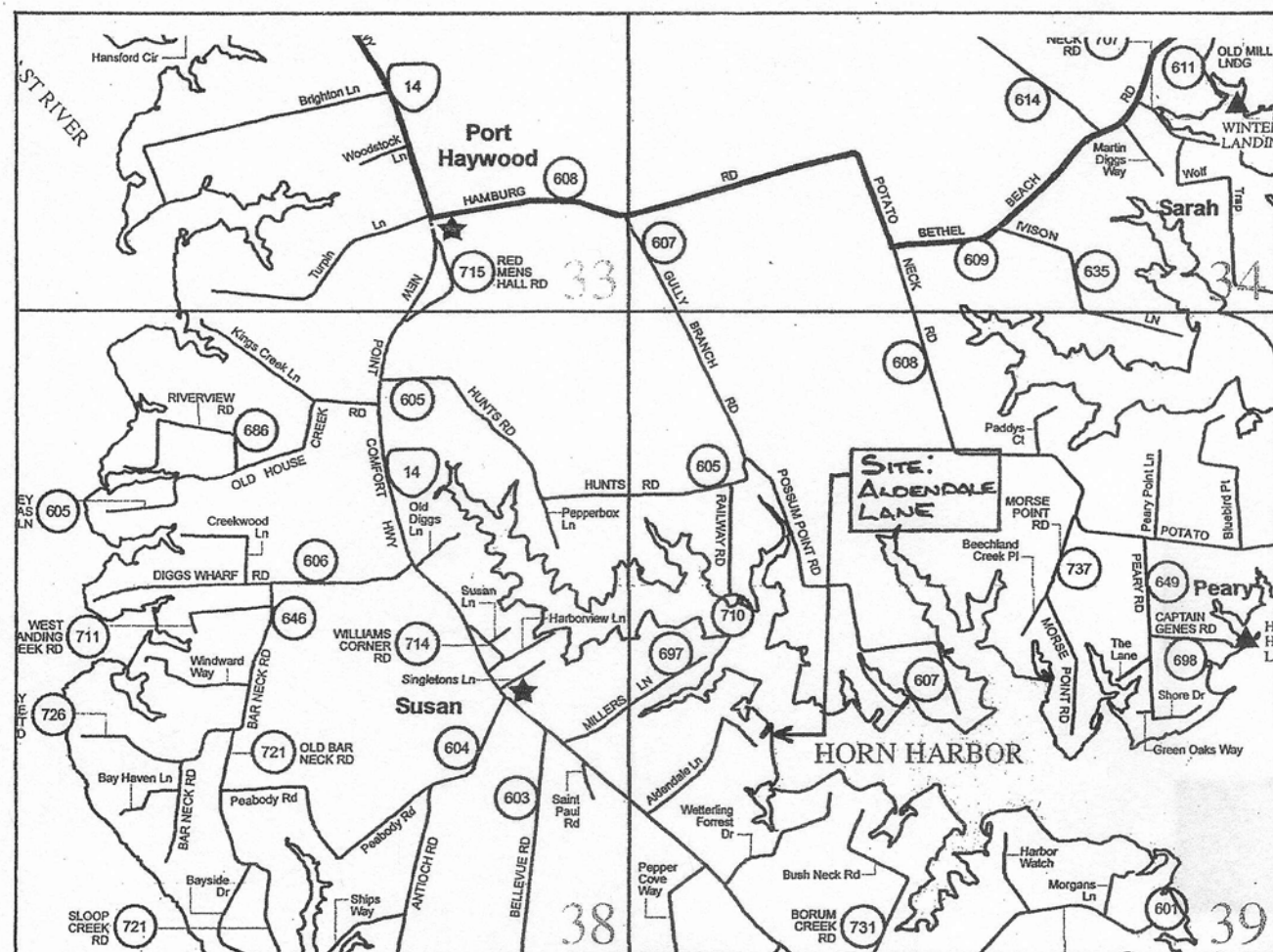
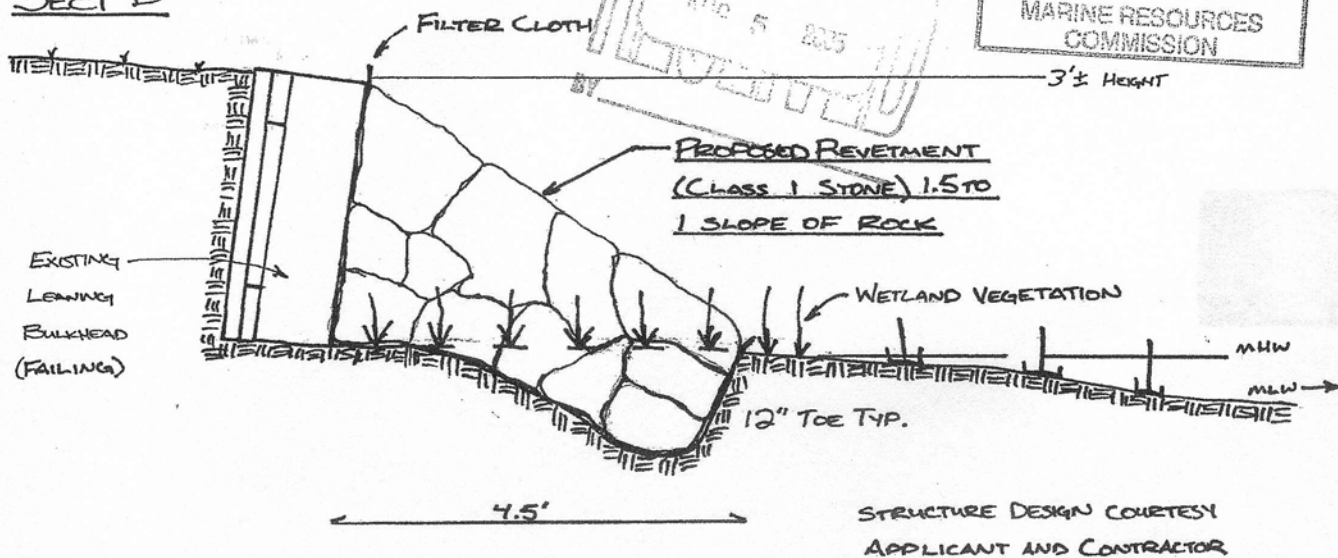
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PROPOSED RIP RAP REVEYMENT
DWIGHT AMBACH & POGUE
ALDENDALE LANE

MATHEWS CO. 39-26-1/
HORN HARBOR
JULY 2005 / SHEET 1 OF 4

RECEIVED
AUG 01 2005
MARINE RESOURCES
COMMISSION



SITE MAP

CROSS SECTION VIEW
SCALE: 1" = 2'

PROPOSED RIP RAP REVETMENT
DWIGHT AMBACH & POGUE

MATHEWS Co. 39-26-1A
HORN HARBOR